

Amendment No. _____

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____

Signature of Sponsor

AMEND Senate Bill No. 465*

House Bill No. 1001

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 63-1-156, is amended by deleting the section and substituting instead the following:

(a) As used in this section:

(1) "Controlled substance" means a drug, substance, or immediate precursor identified, defined, or listed in title 39, chapter 17, part 4 and title 53, chapter 11;

(2) "Drug or alcohol overdose" means an acute condition, including, but not limited to, extreme physical illness, decreased level of consciousness, respiratory depression, coma, mania, or death, resulting from the consumption or use of alcohol or a controlled substance, or other substance inhaled, ingested, injected, or otherwise introduced into the body by the distressed individual that a reasonable person would believe to be resulting from the consumption or use of alcohol or a controlled substance or other substance by the distressed individual;

(3) "Drug or alcohol violation" means:

- (A) A violation of § 1-3-113(b);
- (B) A violation of § 39-17-310;
- (C) A violation of § 39-17-418;
- (D) A violation of § 39-17-425;
- (E) A violation of § 57-3-412; or
- (F) A violation of § 57-5-301;



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(4) "Medical assistance" means aid provided to a person by a healthcare professional licensed, registered, or certified under the laws of this state who, acting within the person's lawful scope of practice, may provide diagnosis, treatment, or emergency medical services; and

(5) "Seeks medical assistance" means:

(A) Accesses or assists in accessing medical assistance or the 911 system;

(B) Contacts or assists in contacting law enforcement or a poison control center; or

(C) Provides care or contacts or assists in contacting any person or entity to provide care while awaiting the arrival of medical assistance to aid a person who is experiencing or believed to be experiencing a drug or alcohol overdose.

(b) Any person who in good faith seeks medical assistance for a person experiencing or believed to be experiencing a drug or alcohol overdose is not subject to arrest, charge, or prosecution for a drug or alcohol violation if the evidence for the arrest, charge, or prosecution of the drug or alcohol violation results from seeking the medical assistance. Any person who is experiencing a drug or alcohol overdose and who in good faith seeks medical assistance for or is the subject of a request for medical assistance is not subject to arrest, charge, or prosecution for a drug or alcohol violation if the evidence for the arrest, charge, or prosecution of the drug or alcohol violation results from seeking the medical assistance. Any such person is also not subject to the following, if related to the seeking of medical assistance:

(1) Penalties for a violation of a permanent or temporary protective order or restraining order; or

(2) Sanctions for a violation of a condition of pretrial release, condition of probation, or condition of parole based on a drug or alcohol violation.

(c)

(1) The act of providing first aid or other medical assistance to someone who is experiencing a drug or alcohol overdose may be used as a mitigating factor in a criminal prosecution for which immunity, set out in subsection (b), is not provided.

(2) Nothing in this section limits the admissibility of any evidence in connection with the investigation or prosecution of a crime with regard to a defendant who does not qualify for the protections of subsection (b) or with regard to other crimes committed by a person who otherwise qualifies for the protections of subsection (b).

(3) Nothing in this section limits any seizure of evidence or contraband otherwise permitted by law.

(4) Nothing in this section limits or abridges the authority of a law enforcement officer to detain or take into custody a person in the course of an investigation or to effectuate an arrest for any offense except as provided in subsection (b).

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it, and applies to conduct occurring on or after that date.

Amendment No. _____

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Signature of Sponsor

AMEND Senate Bill No. 1039

House Bill No. 909*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. This act shall be known and may be cited as the "Elderly and Vulnerable Adult Protection Act of 2019."

SECTION 2. Tennessee Code Annotated, Section 39-15-501, is amended by inserting the following appropriately designated subdivisions:

() "Abuse" means the infliction of physical harm;

() "Serious psychological injury" means any mental harm that would normally require extended medical treatment, including hospitalization or institutionalization, or mental harm involving any degree of prolonged incapacity;

() "Sexual exploitation" means an act committed upon or in the presence of an elderly or vulnerable adult, without that adult's effective consent, for purposes of sexual gratification. "Sexual exploitation" includes, but is not limited to, fondling; exposure of genitals to an elderly or vulnerable adult; exposure of sexual acts to an elderly or vulnerable adult; exposure of an elderly or vulnerable adult's sexual organs; an intentional act or statement by a person intended to shame, degrade, humiliate, or otherwise harm the personal dignity of an elderly or vulnerable adult; or an act or statement by a person who knew or should have known the act or statement would cause shame, degradation, humiliation, or harm to the personal dignity of an elderly or vulnerable adult. "Sexual exploitation" does not include any act intended for a valid medical purpose, or any act reasonably intended to be a normal caregiving act, such as bathing by appropriate persons at appropriate times;



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SECTION 3. Tennessee Code Annotated, Section 39-15-501(6)(C), is amended by deleting the subdivision and substituting instead the following:

The act of obtaining or exercising control over an elderly or vulnerable adult's property, without receiving the elderly or vulnerable adult's effective consent, by a caregiver committed with the intent to benefit the caregiver or other third party;

SECTION 4. Tennessee Code Annotated, Section 39-15-501(7)(A)(ii), is amended by deleting the subdivision and substituting instead the following:

(ii) The failure of a caregiver to make a reasonable effort to protect an elderly or vulnerable adult from abuse, sexual exploitation, neglect, or financial exploitation by others;

SECTION 5. Tennessee Code Annotated, Section 39-15-506(a)(1), is amended by deleting the language "Following a conviction for a violation of § 39-15-502, § 39-15-507(a)-(c) or § 39-15-508" and substituting instead the language "Following a conviction for a violation of § 39-15-502, § 39-15-507(b)-(c), § 39-15-508, § 39-15-510, § 39-15-511, or § 39-15-512".

SECTION 6. Tennessee Code Annotated, Section 39-15-506(b)(1), is amended by deleting the language "In addition to any other punishment that may be imposed for a violation of § 39-15-502, § 39-15-507, or § 39-15-508" and substituting instead the language "In addition to any other punishment that may be imposed for a violation of § 39-15-502, § 39-15-507, § 39-15-508, § 39-15-510, § 39-15-511, or § 39-15-512".

SECTION 7. Tennessee Code Annotated, Section 39-15-507(a), is amended by deleting the language "willfully and".

SECTION 8. Tennessee Code Annotated, Section 39-15-509(a)(1), is amended by deleting the language "suffering or has suffered neglect or financial exploitation" and substituting instead the language "suffering or has suffered abuse, sexual exploitation, neglect, or financial exploitation".

SECTION 9. Tennessee Code Annotated, Section 39-15-509(c), is amended by deleting the language "knowingly fail to report neglect or financial exploitation" and substituting

instead the language "knowingly fail to report abuse, sexual exploitation, neglect, or financial exploitation".

SECTION 10. Tennessee Code Annotated, Section 39-15-509(e), is amended by deleting the language "commencement of criminal prosecution of neglect or financial exploitation" and substituting instead the language "commencement of criminal prosecution of abuse, sexual exploitation, neglect, or financial exploitation".

SECTION 11. Tennessee Code Annotated, Section 39-15-509(f), is amended by deleting the language "alleging neglect or financial exploitation" and substituting instead the language "alleging abuse, sexual exploitation, neglect, or financial exploitation".

SECTION 12. Tennessee Code Annotated, Title 39, Chapter 15, Part 5, is amended by adding the following language as new sections:

39-15-510.

(a) It is an offense for a person to knowingly abuse an elderly or vulnerable adult.

(b) The offense of abuse of an elderly adult is a Class E felony.

(c) The offense of abuse of a vulnerable adult is a Class D felony.

39-15-511.

(a) A person commits the offense of aggravated abuse of an elderly or vulnerable adult who knowingly commits abuse pursuant to § 39-15-510, and:

(1) The act results in serious psychological injury or serious physical harm;

(2) A deadly weapon is used to accomplish the act or the abuse involves strangulation as defined in § 39-13-102; or

(3) The abuse results in serious bodily injury.

(b) A violation of subdivision (a)(1) is a Class C felony.

(c) A violation of subdivision (a)(2) or (a)(3) is a Class B felony.

39-15-512.

(a) It is an offense for any person to knowingly sexually exploit an elderly adult or vulnerable adult.

(b) A violation of this section is a Class A misdemeanor.

SECTION 13. Tennessee Code Annotated, Section 71-6-124, is amended by deleting the section and substituting instead the following:

(a)

(1)

(A) Any relative, conservator, or agent of the Tennessee commission on aging and disability; designated agency or assign of the relative, conservator, or commission; or attorney ad litem having personal knowledge that an adult has been the subject of a violation of § 39-15-502, § 39-15-507, § 39-15-508, § 39-15-510, § 39-15-511, or § 39-15-512, or that such adult is threatened with or placed in fear of a violation of any of those sections, may seek relief for the adult pursuant to this section by filing a sworn petition with any court having jurisdiction under this part alleging that the respondent has violated or threatens to violate § 39-15-502, § 39-15-507, § 39-15-508, § 39-15-510, § 39-15-511, or § 39-15-512, regardless of the existence of any other remedy at law.

(B) The petition must allege facts, based upon personal knowledge of the petitioner, that the adult either lacks the capacity to consent or that appearing in court to petition on the adult's own behalf would pose an undue burden on the adult.

(C) An elderly or vulnerable adult, who has been the subject of a violation of § 39-15-502, § 39-15-507, § 39-15-508, § 39-15-510, § 39-15-511, or § 39-15-512, or has been threatened with or placed in fear of a violation of any of those sections, may seek relief pursuant to this section by filing a sworn petition with any court having jurisdiction under this part

alleging that the respondent has violated or threatens to violate § 39-15-502, § 39-15-507, § 39-15-508, § 39-15-510, § 39-15-511, or § 39-15-512, regardless of the existence of any other remedy at law.

(D)

(i) Notwithstanding subdivisions (a)(1)(A) and (C), and for good cause shown, the court may issue an ex parte order of protection pursuant to this section upon a sworn petition filed by a law enforcement officer responding to an incident involving an elderly or vulnerable adult victim who asserts in the petition reasonable grounds to believe that the adult is in immediate and present danger of abuse, neglect, financial exploitation, or sexual exploitation as defined in § 39-15-501, and that the adult either has consented to the filing or lacks the capacity to consent; provided, that the person on whose behalf the law enforcement officer seeks the ex parte order of protection is considered the petitioner for purposes of this section. The court may waive any court costs, taxes, or fees for obtaining an order of protection upon a finding that the individual for whose benefit an order of protection has been sought is indigent. If a third party seeking an order of protection represents to the court under oath that the individual for whose benefit the order of protection has been sought is indigent, the court will presume that the individual for whose benefit the order of protection has been sought is indigent absent clear and convincing evidence to the contrary.

(ii) The law enforcement officer may seek on behalf of the adult the ex parte order regardless of the time of day and regardless of whether an arrest has been made.

(iii) If an ex parte order is issued pursuant to this section outside of the court's normal operating hours, the law enforcement officer, judge, or judicial official shall cause the petition and order to be filed with the court as soon as practicable after issuance, but no later than two (2) business days after issuance; and

(iv) Law enforcement officers shall not be subject to civil liability under this section for failure to file a petition or for any statement made or act performed in filing the petition, if done in good faith.

(E) Venue for a petition for an order of protection, and all other matters relating to orders of protection, is in the county where the respondent resides or the county in which the violation of § 39-15-502, § 39-15-507, § 39-15-508, § 39-15-510, § 39-15-511, or § 39-15-512 occurred or is threatened to occur. If the respondent is not a resident of this state, the petition may be filed in the county where the adult resides.

(2)

(A) Pursuant to subdivision (a)(1)(A), the court may enter an immediate ex parte order of protection against the respondent if the petition alleges upon personal knowledge of the petitioner, and the court finds in its ex parte order, that the adult lacks capacity to consent or that the adult lacks the ability to be present to petition on their own behalf and is in immediate danger of abuse, neglect, financial exploitation, or sexual exploitation.

(B) Pursuant to subdivision (a)(1)(C), the court may enter an immediate ex parte order of protection against the respondent if the court finds in its ex parte order that the elderly adult is in immediate danger of abuse, neglect, financial exploitation, or sexual exploitation.

(C) Pursuant to subdivision (a)(1)(D), the court may enter an immediate ex parte order of protection against the respondent if the court finds in its ex parte order that the elderly adult is in immediate and present danger of abuse, neglect, financial exploitation, or sexual exploitation, and that the adult has either consented to the filing or lacks the capacity to consent.

(3) The petition and any ex parte order issued pursuant to this section shall be personally served upon the respondent, and if filed pursuant to subdivision (a)(1)(A) or (a)(1)(D), upon the adult. If the respondent is not a resident of this state, the ex parte order must be served pursuant to §§ 20-2-215 and 20-2-216.

(4) The clerk of the court shall send written notice of the filing of the petition and copies of the petition and the ex parte order of protection against the respondent, if any, to the adult protective services unit of the department of human services in the county where the petition is filed. The department is not responsible for court costs, costs of representation, or costs for a guardian ad litem related to a petition for an ex parte order of protection, or any ex parte order of protection issued pursuant to this section. The department has a right to intervene in the proceeding, but is not otherwise required to initiate any legal action as a result of such notice. The department may, at any time, file a petition pursuant to § 71-6-107 if the department determines the adult who is the subject of a petition for an order of protection is in need of protective services.

(5)

(A) Within fifteen (15) days of service of an ex parte order of protection against the respondent, a hearing must be held, at which time the court shall either dissolve any ex parte order that has been issued, or shall, if the petitioner has proven the allegations made pursuant to

subdivision (a)(1)(A), (a)(1)(C), or (a)(1)(D), by a preponderance of the evidence, extend the order of protection for a definite period of time, not to exceed one (1) year, unless a further hearing on the continuation of such order is requested by the adult, the respondent, or the petitioner; in which case, on proper showing of cause, such order may be continued for a further definite period of one (1) year.

(B) Any ex parte order of protection shall be in effect until the time of the hearing and, if the hearing is held within fifteen (15) days of service of such order, the ex parte order continues in effect until the entry of any subsequent order of protection, proceedings under title 34, chapters 1-3, are concluded, or the order of protection is dissolved. If no ex parte order of protection has been issued as of the time of the hearing, and the petitioner has proven the allegations made pursuant to subdivision (a)(1)(A), (a)(1)(C), or (a)(1)(D) by a preponderance of the evidence, the court may, at that time, issue an order of protection for a definite period of time, not to exceed one (1) year.

(C) The court shall cause a copy of the petition and notice of the date set for the hearing on such petition, as well as a copy of any ex parte order of protection, to be served upon the respondent, and if filed pursuant to subdivision (a)(1)(A) or (a)(1)(D), upon the adult at least three (3) days prior to such hearing. Such notice shall advise the respondent and the adult that each may be represented by counsel. The court may appoint a guardian ad litem under § 34-1-107.

(D) Within the time the order of protection is in effect, any court with jurisdiction under this part may modify the order of protection, either upon the court's own motion or upon motion of the adult, the respondent, or the petitioner.

(b) An order of protection granted pursuant to this section may:

(1) Order the respondent to refrain from committing a violation of this part or title 39, chapter 15, part 5 against an adult;

(2) Order the respondent to refrain from threatening to misappropriate or further misappropriating any moneys, state or federal benefits, retirement funds, or any other personal or real property belonging to the adult;

(3) Order the return to the adult, the adult's caretaker, conservator, or other fiduciary any moneys, state or federal benefits, retirement funds, or any other personal or real property belonging to the adult obtained by the respondent as a result of exploitation of the adult or as a result of any other misappropriation of such funds or property of the adult by the respondent. The court may enter judgment against the respondent for the repayment or return to the adult or the adult's caretaker, conservator, or other fiduciary of any moneys, government benefits, retirement funds, or any other personal or real property belonging to the adult that are under the control of or that have been obtained by the respondent as a result of exploitation or misappropriation from the adult. This subdivision (b)(3) does not preclude an action under § 71-6-120. The court may, if the amount in question exceeds ten thousand dollars (\$10,000), require any caretaker or custodian of funds appointed under this section to post a bond as required by § 34-1-105;

(4) Enjoin the respondent from providing care for an adult, or working in any situation involving the care of an adult, whether such action occurs in an institutional setting, in any type of group home or foster care arrangement serving adults, and regardless of whether such person, facility, or arrangement serving adults is licensed to provide care for adults;

(5) Prohibit the respondent from telephoning, contacting, or otherwise communicating with the adult, directly or indirectly; and

(6) Subject to the limitations otherwise stated in this section, grant any other relief deemed necessary by the court to protect an adult.

(c) All orders of protection shall be effective for a fixed period of time, not to exceed one (1) year. The court may modify its order at any time upon subsequent motion filed by any party together with an affidavit showing a change in circumstances sufficient to warrant the modification. The petitioner, respondent, adult, or the court on its own motion may commence a proceeding under title 34, chapters 1-3 to determine whether a fiduciary or conservator should be appointed, if any party alleges that the conditions giving rise to the order of protection continue or may continue beyond the one (1) year.

(d)

(1) If the respondent and the adult have been served with a copy of the petition filed pursuant to subdivision (a)(1)(A) or (a)(1)(D) and notice of hearing, the order of protection is effective when the order is entered. For purposes of this subdivision (d)(1), an order is considered entered once a hearing is conducted and such order is signed by:

(A) The judge and all parties or counsel;

(B) The judge and one (1) party or counsel and the order contains a certificate of counsel that a copy of the proposed order has been served on all other parties or counsel; or

(C) The judge and the order contains a certificate of the clerk that a copy has been served on all other parties or counsel.

(2) Service upon a party or counsel must be made by delivering to such party or counsel a copy of the order of protection, or by the clerk mailing it to the party's last known address. In the event the party's last known address is unknown and cannot be ascertained upon diligent inquiry, the certificate of service must so state. Service by mail is complete upon mailing.

(3) If the respondent and the adult have been served with a copy of the petition filed pursuant to subdivision (a)(1)(A) or (a)(1)(D) and notice of hearing, an order of protection issued pursuant to this part after a hearing shall be in full force and effect against the respondent from the time it is entered, regardless of whether the respondent is present at the hearing.

(4) A copy of any order of protection and any subsequent modifications or dismissal must be issued by the clerk of the court to the petitioner, the respondent, and the local law enforcement agencies having jurisdiction in the area where the adult resides. Upon receipt of the copy of the order of protection or dismissal from the issuing court or clerk's office, the local law enforcement agency shall take any necessary action to immediately transmit it to the national crime information center.

(5) Upon violation of an order of protection entered pursuant to this section, a court may order any appropriate punishment or relief as provided for in § 36-3-610.

(e)

(1) It is an offense to knowingly violate an order of protection issued pursuant to this section. A law enforcement officer may arrest a respondent who is the subject of an order of protection issued pursuant to this section with or without warrant.

(2) In order to constitute a violation of this section:

(A) The person must have received notice of the request for an order of protection;

(B) The person must have had an opportunity to appear and be heard in connection with the order of protection or restraining order; and

(C) The court must have made specific findings of fact in the order of protection that the person committed a violation of this part.

(3) Any law enforcement officer shall arrest the respondent without a warrant if:

(A) The officer has proper jurisdiction over the area in which the violation occurred;

(B) The officer has reasonable cause to believe the respondent has violated or is in violation of an order of protection; and

(C) The officer has verified that an order of protection is in effect against the respondent. If necessary, the law enforcement officer may verify the existence of an order of protection by telephone or radio communication with the appropriate law enforcement department.

(4) Any person arrested for a violation of an order of protection entered pursuant to this section shall be treated as a person arrested for a violation of an order of protection issued pursuant to title 36, chapter 3, part 6.

(5) A violation of this subsection (e) is a Class A misdemeanor, and any sentence imposed is to be served consecutively to the sentence for any other offense that is based in whole or in part on the same factual allegations, unless the sentencing judge or magistrate specifically orders the sentences for the offenses arising out of the same facts to be served concurrently.

(f) Notwithstanding § 71-6-102, for purposes of this section:

(1) "Abuse, neglect, or exploitation" includes:

(A) Abuse, neglect, and exploitation, as those terms are defined in § 71-6-102; and

(B) Abuse, neglect, financial exploitation, and sexual exploitation, as those terms are defined in § 39-15-501; and

(2) "Adult" means an adult as defined in § 71-6-102 or an elderly adult or vulnerable adult as those terms are defined in § 39-15-501.

SECTION 14. Tennessee Code Annotated, Section 40-35-313(a)(1)(B)(i)(c), is amended by deleting the language "§ 39-15-502, § 71-6-117, § 71-6-119, or § 39-15-508" and substituting instead the language "§ 39-15-502, § 39-15-508, § 39-15-511, or § 39-15-512".

SECTION 15. Tennessee Code Annotated, Section 40-35-313(a)(3)(A), is amended by deleting the language "a violation of § 39-15-507 or § 71-6-117 on or after July 1, 2018" and substituting instead the language "a violation of § 39-15-507 on or after January 1, 2019, or § 39-15-510 on or after July 1, 2019".

SECTION 16. Tennessee Code Annotated, Sections 71-6-117 and 71-6-119, are deleted in their entireties.

SECTION 17. Tennessee Code Annotated, Section 71-6-125(d), is amended by deleting the language "By December 1 of each year" and substituting instead the language "By January 31 of the following year".

SECTION 18. For the purposes of promulgating rules required by this act, this act shall take effect upon becoming law, the public welfare requiring it. For all other purposes, this act shall take effect January 1, 2020, the public welfare requiring it.

Amendment No. _____

Signature of Sponsor

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AMEND Senate Bill No. 584

House Bill No. 622*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 37-1-153(b)(2), is amended by adding the language " aggravated sexual battery," immediately after the language "aggravated rape,".

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.



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Signature of Sponsor

AMEND Senate Bill No. 1252

House Bill No. 565*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 28-3-116, is amended by deleting subsection (b) and substituting instead the following:

(b) Notwithstanding § 28-3-104, a civil action for an injury or illness based on child sexual abuse that occurred when the injured person was a minor must be brought:

(1) For child sexual abuse that occurred before July 1, 2019, but was not discovered at the time of the abuse, within three (3) years from the time of discovery of the abuse by the injured person; or

(2) For child sexual abuse that occurred on or after July 1, 2019, within the later of:

(A) Fifteen (15) years from the date the person becomes eighteen (18) years of age; or

(B) If the injury or illness was not discovered at the time of the abuse, within three (3) years from the time of discovery of the abuse by the injured person.

SECTION 2. Tennessee Code Annotated, Section 28-3-116, is amended by deleting subsection (e) and substituting instead the following:

(e) If an action is brought against someone other than the alleged perpetrator of the child sexual abuse, and if the action is brought more than one (1) year from the date the injured person becomes eighteen (18) years of age, the injured person must offer admissible and credible evidence corroborating the claim of abuse by the alleged perpetrator.



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SECTION 3. Tennessee Code Annotated, Section 37-1-412, is amended by deleting the section and substituting instead the following:

(a)

(1) Any person who knowingly fails to make a report required by § 37-1-403 commits an offense.

(2)

(A) A violation of subdivision (a)(1) is a Class A misdemeanor.

(B) A second or subsequent violation of subdivision (a)(1) is a Class E felony.

(3) Any person who intentionally fails to make a report required by § 37-1-403 commits a Class E felony.

(b)

(1) A juvenile court having reasonable cause to believe that a person is guilty of violating this section may have the person brought before the court either by summons or by warrant. If the defendant pleads not guilty, the juvenile court judge shall bind the defendant over to the grand jury.

(2) If the defendant pleads guilty to a first offense under subdivision (a)(1) and waives, in writing, indictment, presentment, grand jury investigation, and trial by jury, the juvenile court judge shall sentence the defendant with a fine not to exceed two thousand five hundred dollars (\$2,500).

SECTION 4. Tennessee Code Annotated, Section 37-1-615, is amended by deleting subsection (a) and substituting instead the following:

(a)

(1) Any person required to report known or suspected child sexual abuse who knowingly fails to do so, or who knowingly prevents another person from doing so, commits an offense.

(2)

(A) A violation of subdivision (a)(1) is a Class A misdemeanor.

(B) A second or subsequent violation of subdivision (a)(1) is a Class E felony.

(3) Any person required to report known or suspected child sexual abuse who intentionally fails to do so, or who intentionally prevents another person from doing so, commits a Class E felony.

SECTION 5. Tennessee Code Annotated, Section 40-2-101(h)(2), is amended by deleting the language "but prior to July 1, 2014,".

SECTION 6. Tennessee Code Annotated, Section 40-2-101(i)(2), is amended by deleting the language "but prior to July 1, 2014,".

SECTION 7. Tennessee Code Annotated, Section 40-2-101, is amended by deleting subsection (l) and substituting instead the following:

(l)

(1) Notwithstanding subsections (b), (g), (h), and (i) to the contrary, unless prosecution of the offense is barred because the applicable limitation of time otherwise established in this section for prosecution of the offense expired prior to July 1, 2014, the following offenses may be prosecuted, tried, and punished at any time after commission of the following offenses:

(A) Aggravated rape, as prohibited by § 39-13-502;

(B) Rape, as prohibited by § 39-13-503;

(C) Rape of a child, as prohibited by § 39-13-522; or

(D) Aggravated rape of a child, as prohibited by § 39-13-531.

(2) For subdivision (l)(1) to apply, within three (3) years of the date the offense was committed, the victim or, in the case of a minor victim, the victim's parent or legal guardian, must report the offense to a law enforcement agency or an office of the district attorney general.

(3) If the victim of a crime listed in subdivision (l)(1) was a minor and subdivision (l)(1) does not apply because the reporting requirement in subdivision

(l)(2) was not timely satisfied, prosecution must be commenced pursuant to subsection (h) or (i), or subsections(o) and (p).

(4) If the victim of a crime listed in subdivision (l)(1) was an adult and the statute of limitation in subdivision (l)(1) does not apply because the reporting requirement in subdivision (l)(2) was not timely satisfied, prosecution must be commenced as otherwise provided by this section.

SECTION 8. Tennessee Code Annotated, Section 40-2-101, is amended by adding the following new subsections:

(o) Notwithstanding subsection (b), (g), (h), (i), (j), (k), and (l), a person may be prosecuted, tried, and punished at any time after the commission of an offense if:

(1) The offense was committed on or after July 1, 2019;

(2) The offense was committed against a child less than eighteen (18) years of age; and

(3) The offense was one (1) of the following:

(A) Trafficking for a commercial sex act, as prohibited by § 39-13-309;

(B) Aggravated rape, as prohibited by § 39-13-502;

(C) Rape, as prohibited by § 39-13-503;

(D) Aggravated sexual battery, as prohibited by § 39-13-504;

(E) Continuous sexual abuse of a child, as prohibited by § 39-13-518;

(F) Rape of a child, as prohibited by § 39-13-522;

(G) Sexual battery by an authority figure, as prohibited by § 39-13-527;

(H) Solicitation of a minor, as prohibited by § 39-13-528, when the offense solicited is listed in this subdivision (o)(3);

(I) Soliciting sexual exploitation of a minor - exploitation of a minor by electronic means, as prohibited by § 39-13-529(b), where the minor is less than thirteen (13) years of age, or § 39-13-529(a);

(J) Aggravated rape of a child, as prohibited by § 39-13-531;

(K) Statutory rape by an authority figure, as prohibited by § 39-13-532;

(L) Incest, as prohibited by § 39-15-302;

(M) Sexual exploitation of a minor, as prohibited by § 39-17-1003;

(N) Aggravated sexual exploitation of a minor, as prohibited by § 39-17-1004; or

(O) Especially aggravated sexual exploitation of a minor, as prohibited by § 39-17-1005.

(p)

(1) In order to commence prosecution for an offense listed in subdivision (o)(3) at a date that is more than twenty-five (25) years from the date the victim becomes eighteen (18) years of age, the prosecution is required to offer admissible and credible evidence corroborating the charges.

(2) If prosecution for an offense listed in subdivision (o)(3) may be commenced under subsection (l), admissible and credible evidence corroborating the charge is not required.

SECTION 9. If any provision of this act or its application to any person or circumstance is held invalid, then the invalidity shall not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to that end the provisions of this act shall be severable.

SECTION 10. This act shall take effect July 1, 2019, the public welfare requiring it

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Signature of Sponsor

AMEND Senate Bill No. 1220

House Bill No. 639*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. This act shall be known and may be cited as the "Jonathan Booker Act."

SECTION 2. Tennessee Code Annotated, Section 40-35-313(a)(1)(B)(i)(c), is amended by deleting the subdivision and substituting instead the following:

(c) Is not seeking deferral of further proceedings for a sexual offense, a violation of § 39-15-502, § 71-6-117, § 71-6-119, or § 39-15-508, driving under the influence of an intoxicant as prohibited by § 55-10-401, vehicular assault under § 39-13-106 prior to service of the minimum sentence required by § 39-13-106, an offense involving the use of a deadly weapon as defined in § 39-11-106(a)(5), or a Class A or B felony.

SECTION 3. This act shall take effect July 1, 2019, the public welfare requiring it, and applies to acts committed on or after that date.



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Signature of Sponsor

AMEND Senate Bill No. 587*

House Bill No. 715

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 40-7-118, is amended by deleting subdivisions (c)(4) and (c)(5).

SECTION 2. Tennessee Code Annotated, Section 40-7-118, is amended by adding the following new subsection (c) and redesignating the current subsection (c) and subsequent subsections accordingly:

(c) A peace officer may arrest and take a person into custody if:

(1) A reasonable likelihood exists that the arrested person will fail to appear in court; or

(2) The prosecution of the offense for which the person was arrested, or of another offense, would thereby be jeopardized.

SECTION 3. Tennessee Code Annotated, Section 40-7-118(j), is amended by deleting the language "eight (8)" wherever it appears in the subsection and substituting instead "seven (7)".

SECTION 4. Tennessee Code Annotated, Section 40-7-118(m)(3), is amended by deleting the subdivision in its entirety.

SECTION 5. This act shall take effect upon becoming a law, the public welfare requiring it.



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Signature of Sponsor

AMEND Senate Bill No. 487*

House Bill No. 574

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 39-15-210(b), is amended by deleting the subsection and substituting instead the following:

(b)

(1) When a physician has reasonable cause to report the sexual abuse of a minor pursuant to § 37-1-605, because the physician has been requested to perform an abortion on a minor who is less than thirteen (13) years of age, the physician shall, at the time of the report, also notify the official to whom the report is made of the date and time of the scheduled abortion and that a sample of the embryonic or fetal tissue extracted during the abortion will be preserved and available to be turned over to the appropriate law enforcement officer conducting the investigation into the rape of the minor.

(2) If a minor who is at least thirteen (13) but no more than seventeen (17) years of age requests a physician to perform an abortion and the physician has reasonable cause to believe there is child sexual abuse involved as defined by § 37-1-602, the physician shall report the abuse pursuant to § 37-1-605. This subdivision (b)(2) shall apply only when a physician performs elective abortion services as a part of their practice.

SECTION 2. This act shall take effect July 1, 2019, the public welfare requiring it.



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House Criminal Justice Subcommittee Am. #1

Amendment No. _____

Signature of Sponsor

AMEND Senate Bill No. 894*

House Bill No. 1418

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by deleting the language "attached to, or implanted into," wherever it appears and substituting instead the language "implanted into".



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Amendment No. _____

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Signature of Sponsor

AMEND Senate Bill No. 806

House Bill No. 950*

by deleting SECTION 3 and substituting instead the following:

SECTION 3. Tennessee Code Annotated, Section 55-10-419(f), is amended by deleting the subsection in its entirety and substituting instead the following:

(f) In the event that the state treasurer determines or anticipates that the electronic monitoring indigency fund has or will have insufficient funds to pay for eligible claims or invoices as they are received, the state treasurer is authorized to stop accepting, determining eligibility for, or paying claims or invoices submitted by providers of ignition interlock devices, transdermal monitoring devices, other alternative alcohol or drug monitoring devices, or global positioning monitoring devices for a period of time determined by the state treasurer. The state treasurer may begin accepting or paying claims or invoices submitted by providers of ignition interlock devices, transdermal monitoring devices, other alternative alcohol or drug monitoring devices, or global positioning monitoring devices with service dates on or after the date on which the state treasurer determines that there is a sufficient amount of money in the fund. The state treasurer shall notify providers and the administrative office of the courts of the anticipated date that provider claims and invoices will be accepted and paid from the fund again. The state treasurer may establish an order of priority for paying claims and invoices from the fund after the period of insolvency.

AND FURTHER AMEND by deleting SECTION 10 and substituting instead the following:

SECTION 10. Notwithstanding any law to the contrary, the state treasurer may use any funds in the electronic monitoring indigency fund to pay for the use of global positioning



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monitoring devices by indigent persons for eligible offenses as a condition of bail or sentencing ordered by a court between July 1, 2016, and August 16, 2018, that were previously submitted to the state treasurer for approval on or before August 16, 2018.

House Criminal Justice Subcommittee Am. #1

Amendment No. _____

Signature of Sponsor

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AMEND Senate Bill No. 1163

House Bill No. 1340*

by adding the following language as a new SECTION 1 and redesignating the remaining sections:

SECTION 1. This act shall be known and may be cited as the "Leigh Ann Act."



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Signature of Sponsor

AMEND Senate Bill No. 425

House Bill No. 407*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 40-39-211(c), is amended by deleting the subsection and substituting instead the following:

(c) While mandated to comply with the requirements of this part, no sexual offender or violent sexual offender, whose victim was a minor, shall knowingly reside or conduct an overnight visit at a residence in which a minor resides or is present.

Notwithstanding this subsection (c), the offender may reside, conduct an overnight visit, or be alone with a minor if the offender is the parent of the minor, unless one (1) of the following conditions applies:

(1) The offender's parental rights have been or are in the process of being terminated as provided by law;

(2) Any minor or adult child of the offender was a victim of a sexual offense or violent sexual offense committed by the offender; or

(3) The offender has been convicted of a sexual offense or violent sexual offense the victim of which was a child under twelve (12) years of age.

SECTION 2. This act shall take effect July 1, 2019, the public welfare requiring it.



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Signature of Sponsor

AMEND Senate Bill No. 1506

House Bill No. 1463*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 39-13-218(a), is amended by deleting subdivisions (2) and (3) and substituting instead the following:

(2) The defendant has one (1) or more prior convictions for the offense of vehicular homicide;

(3) There was, at the time of the offense, twenty-hundredths of one percent (0.20%), or more, by weight of alcohol in the defendant's blood and the defendant has one (1) prior conviction for:

(A) Driving under the influence of an intoxicant; or

(B) Vehicular assault;

(4) At the time of the offense, the defendant's blood includes any amount or active metabolite of a Schedule I controlled substance, as defined in §§ 39-17-405 and 39-17-406, or any amount or active metabolite of a controlled substance analogue, as defined in § 39-17-454, of a Schedule I controlled substance, that contributed to the defendant's intoxication, and the defendant has one (1) prior conviction for:

(A) Driving under the influence of an intoxicant; or

(B) Vehicular assault; or

(5) At the time of the offense, the defendant's blood includes any amount or active metabolite of a Schedule II controlled substance, as defined in §§ 39-17-407 and 39-17-408, or any amount or active metabolite of a controlled substance analogue, as



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defined in § 39-17-454, of a Schedule II controlled substance, that contributed to the defendant's intoxication, and the defendant has one (1) prior conviction for:

- (A) Driving under the influence of an intoxicant; or
- (B) Vehicular assault.

SECTION 2. This act shall take effect July 1, 2019, the public welfare requiring it, and shall apply to violations occurring on or after that date.

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AMEND Senate Bill No. 409*

House Bill No. 1131

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 40-11-115, is amended by adding the following language as a new, appropriately designated subsection:

(c) If a magistrate, judicial commissioner, or judge does not order the release of a defendant pending trial on the person's recognizance or upon the execution of an unsecured appearance bond, the magistrate, judicial commissioner, or judge must document in writing the reasons for making such determination for denying release, which may include, but are not limited to, the factors listed in subsection (b).

Documentation of the reasons for denying release are subject to open records requests.

SECTION 2. Tennessee Code Annotated, Section 40-11-116(b), is amended by adding the following language as new subdivision (4):

(4) Order the defendant to wear a transdermal monitoring device, a global positioning system (GPS) monitoring device, or other drug or alcohol monitoring devices.

SECTION 3. This act shall take effect July 1, 2019, the public welfare requiring it.



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Signature of Sponsor

AMEND Senate Bill No. 1218

House Bill No. 987*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 39-17-417(g)(1), is amended by deleting the language "one-half (1/2) ounce (14.175 grams)" and substituting instead the language "one (1) ounce (28.350 grams)".

SECTION 2. Tennessee Code Annotated, Section 39-17-418(a), is amended by deleting the language "controlled substance" and substituting instead "controlled substance except marijuana as defined in subdivision (b)(3)".

SECTION 3. Tennessee Code Annotated, Section 39-17-418(b), is amended by deleting the subsection in its entirety and substituting instead the following:

(b)

(1) It is an offense for a person to sell or distribute marijuana in an amount less than one (1) ounce (28.350 grams).

(2) It is an offense for a person to knowingly possess or casually exchange marijuana.

(3) As used in this subsection (b):

(A) "Casually exchange" means the spontaneous passing of a small amount of marijuana that does not involve, in exchange for the marijuana, the payment of money or a gift card, debit card, credit card, or any other card, coupon, or token that is capable of being exchanged for money, merchandise, or goods; and



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(B) "Marijuana" means marijuana in the form of a plant and does not mean marijuana in any other form, including, but not limited to, a resin, compound, derivative, concentrate, or oil.

SECTION 4. Tennessee Code Annotated, Section 39-17-419, is amended by deleting the language "It may be inferred" and substituting instead the language "Except as provided in subsection (b), it may be inferred".

SECTION 5. Tennessee Code Annotated, Section 39-17-419, is amended by redesignating the current language as subsection (a) and adding the following language as a new subsection:

(b) The intent to sell or otherwise dispense shall not be inferred solely from the possession or casual exchange of less than one (1) ounce of marijuana as defined in § 39-17-418(b)(3)(B); however, other relevant facts surrounding the arrest may be used to infer such intent.

SECTION 6. This act shall take effect July 1, 2019, the public welfare requiring it.